

7/20/93

UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
Employers Insurance of) Docket No. TSCA-V-C-62-90
Wausau, Wisconsin,)
)
Respondent)

ORDER DENYING COMPLAINANT'S MOTION FOR
ACCELERATED DECISION

Region V of the United States Environmental Protection Agency ("EPA") filed a Complaint against Employers Insurance of Wausau, Wisconsin ("Wausau") on May 22, 1990. The Complaint alleged that Wausau had improperly disposed of PCB materials in violation of 40 C.F.R. § 761.60 (a) and (b).

EPA moved for an accelerated decision on the issue of liability on May 20, 1992.


Upon review of the motion, answer and related pleadings, it appears that there are facts and circumstances that are not altogether clear or uncontroverted. Moreover, these facts and circumstances may affect the disposition of the liability issue. To allow for a clearer exposition and development of the issues, including issues related to the proposed penalty, an evidentiary hearing will be necessary.

Accordingly, EPA's motion will be denied.

By separate order issued this same day, I have found that a hearing is necessary in another complaint case brought by the EPA against Group Eight Technology, Inc.^{1/}

^{1/} In the Matter of Group Eight Technology, Inc.
Docket No. TSCA-V-C-66-90.

Because the instant case, and the Group Eight case arise from a common set of facts and circumstances, and six of the same witnesses are scheduled to appear in the two cases, another order issued today will consolidate the cases.



Jon G. Lotis
Administrative Law Judge

Dated: July 30, 1993
Washington, D.C.

IN THE MATTER OF EMPLOYERS INSURANCE OF WAUSAU, Respondent,
Docket No. TSCA-V-C-62-90

CERTIFICATE OF SERVICE

I certify that the foregoing Order Denying Complainant's Motion For Accelerated Decision, dated July 30, 1993, was sent in the following manner to the addressees listed below:

Original by Regular Mail to:

A. Marie Hooks
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region V
77 West Jackson Boulevard
Chicago, IL 60604

**Copy by Certified Mail, Return
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Dated: July 30, 1993
Washington, D.C.